



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
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August 13, 2014

BY ECF AND EMAIL

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 201
New York, New York 10007

**Re: *United States v. Tyrone Brown, et al.,*
S2 13 Cr. 345 (LGS)**

Dear Judge Schofield:

The Government writes this letter in advance of tomorrow's pretrial conference to advise the Court of a scheduling issue. Special Agent John Reynolds of the Federal Bureau of Investigation and Detective Ellis Deloren of the New York City Police Department, the case agents in the above-captioned matter, are also the case agents in *United States v. David Delva*, S2 12 Cr. 802 (KBF), a robbery case pending before the Honorable Katherine B. Forrest, which is scheduled for trial on September 8, 2014. Last Thursday, the Government, with the consent of defense counsel in *United States v. Delva*, requested an adjournment of that trial in order to allow time for obtaining certain DNA evidence, but that request was denied on Friday, August 8, 2014. Therefore, the trial in *United States v. Delva* remains scheduled for September 8, 2014, the same day as the trial scheduled in this matter. This scheduling issue poses a conflict for Special Agent Reynolds and Detective Deloren, who cannot be available as the case agents for both trials at the same time. As the case agents, Detective Deloren and Special Agent Reynolds are responsible for coordinating the appearances of the numerous civilian and law enforcement witnesses who will testify, and for safeguarding and transporting physical evidence, among other tasks, and it will be impossible for them to perform their duties as the case agents at two trials happening simultaneously.

Accordingly, we are writing to seek guidance from the Court regarding this conflict. We understand that the trial in the *Delva* matter before Judge Forrest is expected to last approximately two weeks, while the trial in this matter is expected to last approximately one week, although that estimate may change depending on the number of defendants at trial, the length of the cross-examination of the Government's witnesses, and whether any of the three defendants decides to put on a case. We also are submitting a copy of this letter to Judge Forrest's chambers and to the prosecutor and defense counsel in the *Delva* case.

Please contact us with any questions.

Respectfully submitted,

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